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Date: January 22, 2004

Please deliver the following pages to:

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From: Melvin Kraus

ANTONELLI, TERRY, STOUT & KRAUS, LLP

Fax No.: (703) 312-6666

Re: Serial No. 09/912,527  
 Attorney Docket: 503.38383CX1

Special Instructions: As requested, attached please find a copy of the Declaration as submitted in the parent application Serial No. 09/509,768, and a copy of the papers requesting Renewed Request for Status under 37 CFR 1.42 filed May 20, 2002, and the Decision dated July 17, 2002 accepting the Declaration as filed March 31, 2000 in the parent application.

Total Number of pages including cover sheet: 12

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**DECLARATION AND POWER OF ATTORNEY FILED WITH U.S. DESIGNATED OFFICE UNDER 35 U.S.C. 371(c)(4)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ROTATING ELECTRIC MACHINE AND COOLING METHOD THEREOF

the specification of which was filed as PCT International Application No. PCT/JP99/04790

filed September 3, 1999 and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
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<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status: patented, pending, abandoned)</u>
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status: patented, pending, abandoned)</u>
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status: patented, pending, abandoned)</u>
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status: patented, pending, abandoned)</u>

I hereby appoint as principal attorneys; Donald R. Antonelli, Reg. No. 20,296; David T. Terry, Reg. No. 20,178; Melvin Kraus, Reg. No. 22,466; Stanley A. Wal, Reg. No. 26,432; William I. Solomon, Reg. No. 28,565; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087 and James N. Dresser, Reg. No. 22,973 to prosecute and transact all business connected with this application and any related United States application and international applications. Please direct all communications to the following address:

Antonelli, Terry, Stout & Kraus  
Suite 1800  
1300 North Seventeenth Street  
Arlington, Virginia 22209  
Telephone: (703) 312-6600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

宣誓日	発明者フルネームサイン	氏名タイプ欄
Date <u>3/3/2000</u>	Inventor <u>Kazumasa Ide</u>	Kazumasa IDE
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Date <u>3/3/2000</u>	Inventor <u>Akiyoshi Komura</u>	Akiyoshi KOMURA
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Date _____	Inventor <u>(Deceased)</u>	Mitsunori YAMASHINA
Residence <u>Same as Post Office Address</u>		Citizenship <u>Japan</u>
Post Office Address <u>12-9-3, Nishinarusawacho 3-chome, Hitachi-shi, Ibaraki 316-0032 Japan</u>		
Date <u>3/3/2000</u>	Inventor <u>Tadashi Sonobe</u>	Tadashi SONOBE
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Date <u>3/3/2000</u>	Inventor <u>Akitomi Semba</u>	Akitomi SEMBA
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宣誓日

発明者フルネームサイン

氏名タイプ欄

Date 3/7/2000 Inventor Junji Sato Junji SATO

Residence Same as Post Office Address Citizenship Japan

Post Office Address 9-9, Suwacho 6-chome, Hitachi-shi, Ibaraki 316-0001 Japan

Date 3/3/2000 Inventor R. Shiodera Ryoichi SHIOBARA

Residence Same as Post Office Address Citizenship Japan

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Date 3/10/2000 Yoko Yamashina Yoko YAMASHINA  
Heiress, a Japanese citizen, residing at 12-9-3, Nishinarusawacho  
3-chome, Hitachi-shi, Ibaraki 316-0032 Japan.

on behalf of deceased inventor Mitsunori YAMASHINA

## DECLARATION

I, Miki Yamashina, first daughter of late Mitsunori Yamashina, residing at 12-9-3, Nishinarusawacho 3-chome, Hitachi-shi, Ibaraki, 316-0032 Japan, hereby declare to relinquish

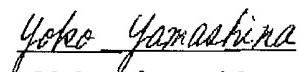
the inheritance of the right for asking for a patent in the United States of America in connection with U.S. Serial No. 09/509, 768 filed on March 31, 2000, by K. Ide et al..

May 14, 2002

12-9-3, Nishinarusawacho 3-chome, Hitachi-shi, Ibaraki  
Miki Yamashina

Same address as above

Legal Representative

  
Yoko Yamashina

本	籍	川崎市麻生区千代ヶ丘四丁目十七番地十四	名	山品光	昭和六十年拾月武拾五日縁起(西)
父	山品滿	昭和三十年拾月武拾五日父祖同町長から送付入籍(西)	母	ツヤ子	昭和六十年拾月武拾九日小林禎子と婚姻届出同月武拾五日茨城県日立市長
夫	山品滿	昭和三十年四月廿七日午前七時四十五分茨城県日立市で死亡同日葬儀山品	子	昌子	昭和三十年四月廿七日午前七時四十五分茨城県日立市で死亡同日葬儀山品
妻	山品滿	昭和三十年四月廿七日午前七時四十五分茨城県日立市で死亡同日葬儀山品	母	小林昭	昭和四年七月武拾五年茨城県日立市で出生同年八月六日父祖同入籍(西)
父	文江	昭和四年七月武拾五年茨城県日立市で出生同年八月六日父祖同入籍(西)	母	母	昭和四年七月武拾九年五月廿九日小林昭と婚姻届出同月武拾五年茨城県日立市長
夫	小林昭	昭和四年七月武拾五年茨城県日立市で出生同年八月六日父祖同入籍(西)	妻	文江	昭和四年七月武拾五年茨城県日立市で出生同年八月六日父祖同入籍(西)
子	昌子	昭和四年七月武拾五年茨城県日立市で出生同年八月六日父祖同入籍(西)	母	母	昭和四年七月武拾九年五月廿九日小林昭と婚姻届出同月武拾五年茨城県日立市長
母	母	昭和四年七月武拾四年四月廿九日夫死亡(西)	父	山品光	昭和四年七月武拾四年四月廿九日夫死亡(西)
夫	山品光	昭和四年七月武拾四年四月廿九日夫死亡(西)	妻	陽子	昭和六年九月九日茨城県日立市で出生同月拾參日父祖同月拾八日同
母	母	昭和六年九月九日茨城県日立市で出生同月拾參日父祖同月拾八日同	子	希美	昭和六年九月九日茨城県日立市で出生同月拾參日父祖同月拾八日同
本	籍	昭和六年九月九日茨城県日立市で出生同月拾參日父祖同月拾八日同	名	山品光	昭和六年九月九日茨城県日立市で出生同月拾參日父祖同月拾八日同



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501.38383X00

In re Application of IDE et al  
 U.S. Application No.: 09/509,768  
 Int. Application No.: PCT/JP99/04790  
 Int. Filing Date: 03 September 1999  
 Attorney Docket No.: 501.38383X00  
 For: DYNAMO-ELECTRIC MACHINE

MC  
 DECISION

This is in response to applicant's "Renewed Request for Status under 37 CFR 1.42" filed 20 May 2002.

#### BACKGROUND

On 03 September 1999, applicant filed international application PCT/JP99/04790. A copy of the international application was communicated to the USPTO from the International Bureau on 15 March 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 13 October 1999, prior to the expiration of nineteen months from the filing date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 March 2002 (03 March 2002 was a Sunday).

On 31 March 2000, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a declaration executed by seven of the eight joint inventors. The declaration is also executed by an heiress of inventor Mitsunori Yamashina, who according to the declaration is deceased.

On 19 March 2002, this Office mailed a decision dismissing the 31 March 2000 request for status.

On 20 May 2002, applicant filed the present renewed request for status.

Application No.: 09/509,768

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### DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

In the present case, the declaration filed 31 March 2000 is signed by the legal representative of Mitsunori Yamashina.

### CONCLUSION

The declaration filed 31 March 2000 is ACCEPTED under 37 CFR 1.42.

The application has an International Filing Date of 03 September 1999 and a date under 35 U.S.C. 371(c) of 31 March 2000.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung  
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